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August 26, 2014

By ECF

Honorable Lisa Margaret Smith
United States Magistrate District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Radiancy, Inc. v. Viatek Consumer Products Group, Inc.*
No. 13-cv-3767 (NSR)(LMS)

Dear Judge Smith:

We represent Plaintiff Radiancy, Inc. and write in connection with Radiancy's Application for a Sanctions Award Pursuant to the Court's April 1, 2014 Order [Dkt. No. 131] ("Fee Application"), which is currently pending before the Court, briefing having been completed on June 17, 2014 [Dkt. No. 166]. As discussed in Radiancy's memorandum of law in support of its Fee Application, Radiancy is entitled to recover the attorneys' fees and costs incurred in connection with its preparation and defense of the Fee Application. Dkt. No. 131 at 12-13. Viatek does not dispute this in its opposition to the Fee Application. Dkt. No. 160. If it would be helpful, to avoid imposing on the Court's time in having to twice decide the amount of fees to be awarded, Radiancy would be pleased to submit at this time a schedule of the fees and costs it incurred in connection with its Fee Application, to be considered simultaneously with the rest of the Fee Application.

We look forward to the Court's direction on this matter.

Respectfully yours,

Steven M. Kayman (QTY)

Steven M. Kayman

cc: All Counsel

Deemed Letter Motion for permission to amend the pending Fee Application with schedule of fees and costs incurred in connection with the Fee Application, such Letter Motion is granted. Amendment to be completed no later than September 25, 2014.

September 9, 2014

SO ORDERED:

Lisa Margaret Smith
Hon. Lisa Margaret Smith
U.S.M.J.